

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Payphone Systems,)	
)	
Complainant,)	
)	
v.)	File No. EB-02-MD-030
)	
Pacific Bell Telephone Company,)	
)	
Defendant.)	

ORDER

Adopted: July 7, 2005

Released: July 8, 2005

By the Deputy Chief, Market Disputes Resolution Division:

1. On April 26, 2002, Payphone Systems filed with this Commission a formal complaint against Pacific Bell Telephone Company, asserting that the Defendants violated sections 201(b) and 203(c) of the Communications Act of 1934, as amended (the “Act”) and Part 69 of the Commission’s rules¹ by improperly assessing end user common line (“EUCL”) charges on the Complainant’s payphones.²

2. On April 11, 2005, Complainant filed a motion requesting that we dismiss the formal complaint in this proceeding with prejudice, as the parties have settled their dispute.³ We grant Complainant’s motion to dismiss the formal complaint, with prejudice. We find that dismissal at this stage is appropriate and will serve the public interest by promoting the private resolution of disputes and eliminating the expenditure of further time and resources of the parties and the Commission.

¹47 U.S.C. §§ 201(b) and 203(c); Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. (1996); 47 C.F.R. §§ 69.1 *et seq.*

² *Payphone Systems v. Pacific Bell Telephone Company*, Supplement to Formal Complaint, File No. EB-02-MD-030 (filed Apr. 26, 2002).

³ *Payphone Systems v. Pacific Bell Telephone Company*, Notice of Settlement and Motion to Dismiss Formal Complaint With Prejudice, FCC, File No. EB-02-MD-030 (filed April 11, 2005).

3. ACCORDINGLY, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 208 of the Communications Act, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 208, sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the above-captioned complaint IS DISMISSED WITH PREJUDICE in its entirety and the proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary McEnery, Deputy Chief
Market Disputes Resolution Division
Enforcement Bureau